

A091 (Rev. 8/01) Criminal Complaint

Clerk, U.S. District Court
Southern District of Texas
FILED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

JUN 11 2015

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA
V.
Esmeralda De La Rosa

CRIMINAL COMPLAINT

Case Number: **C-15-738m**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 6/10/2015 in Kenedy County, in the

Southern District of Texas defendant(s), **Esmeralda De La Rosa**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **George A. Torres**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

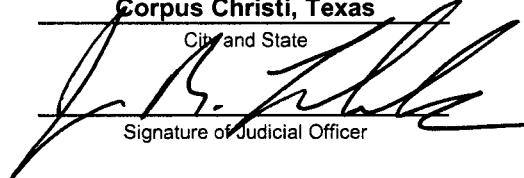
Signature of Complainant

George A. Torres
Printed Name of Complainant

Sworn to before me and signed in my presence,
and probable cause found on:

June 11, 2015
Date
Jason B. Libby, U.S. Magistrate Judge
Name and Title of Judicial Officer

at

Corpus Christi, Texas
City and State

Signature of Judicial Officer

Affidavit

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On June 10, 2015 Esmeralda De La Rosa & Marissa Arriaga were arrested at the Sarita, Texas Border Patrol Checkpoint for attempting to smuggle an undocumented alien from Mexico.

ENCOUNTER:

On June 10, 2015 Border Patrol Agent (BPA) Victor Barroso Jr. was assigned to the primary inspection lane at the U.S. Border Patrol Checkpoint in Sarita, Texas. At approximately 12:30 a.m., a white Chevrolet Cobalt bearing Texas license plate FRL-4200 approached the inspection area and stopped. BPA Barroso asked the driver, later identified as Esmeralda De La Rosa, as to her citizenship, to which, she stated that she was a "U.S. Citizen". BPA Barroso asked her where she was travelling to and she responded by saying "San Antonio". BPA Barroso then asked the front seat passenger, initially identified as "Juan De La Rosa Jr." as to his citizenship, and he stated in broken English that he was from San Antonio, at this time, Esmeralda De La Rosa interrupted and mentioned that the front passenger is her brother and that they live in San Antonio. BPA Barroso asked the rear seat passenger, later identified as Arriaga Marissa, as to her citizenship, and she stated "U.S. Citizen". BPA Barroso also asked Esmeralda De La Rosa how they all were related. De La Rosa stated that "Juan De La Rosa Jr." was her brother and that Arriaga was just a friend. BPA Barroso continued his questioning of "Juan De La Rosa Jr." and noticed that he was avoiding eye contact and would look at Esmeralda De La Rosa for help. Based on this suspicious behavior, BPA Barroso asked Esmeralda De La Rosa consent to conduct a closer immigration inspection on "Juan De La Rosa Jr.". BPA Barroso instructed Esmeralda De La Rosa to park in the secondary area of the Border Patrol Station.

Once in the secondary area, the front seat passenger ("Juan De La Rosa Jr.") was asked to exit the vehicle. Further questioning by BPA D. Runyon revealed that "Juan De La Rosa Jr." true name was Ricardo Cortez-Alvarez, a citizen and national of Mexico illegally present in the United States. Cortez was placed under arrest for being illegally present in the United States and Esmeralda De La Rosa & Arriaga were placed under arrest for alien smuggling.

MIRANDA RIGHTS:

Esmeralda De La Rosa & Arriaga were advised their Miranda Rights in the English language by BPA Barroso on June 10, 2015 at approximately 1:12 a.m. Esmeralda De La Rosa & Arriaga acknowledged that they understood their rights but both stated that they were not willing to answer any questions without the presence of an attorney. This event was witnessed by BPA Pearson.

The undocumented alien (Ricardo Cortez-Alvarez,) was advised his Miranda rights in the Spanish language by BPA Barroso on June 10, 2015 at approximately 3:00 a.m. Cortez stated that he understood his rights and he also stated that he was willing to answer questions without the presence of an attorney. This event was witnessed by Border Patrol Agent Pearson.

UNDOCUMENTED ALIEN STATEMENT:

Cortez stated that he entered the United States illegally on or about July 10, 2014 near Hidalgo, Texas. He stated that he asked his longtime friend (Esmeralda De La Rosa) to drive him in his vehicle to Corpus Christi, Texas and then he was going to California. Cortez stated that there was no monetary exchange, however, he did mention that both Esmeralda De La Rosa & Arriaga were aware that he was an undocumented alien from Mexico. Cortez stated that Esmeralda De La Rosa provided him with her brother's information so he could memorize it and try to make it through the Border Patrol Checkpoint by providing the agents this information.

NOTE:

Record checks revealed Esmeralda De La Rosa was encountered on May 4, 2015 transporting suspected undocumented aliens south of the Falfurrias, Texas Border Patrol Checkpoint. She was not prosecuted at this time.

Record checks revealed that Marissa Arriaga was arrested on May 5, 2015 south of the Falfurrias, Texas Border Patrol Checkpoint for transporting six (6) undocumented aliens. She was not prosecuted at this time.

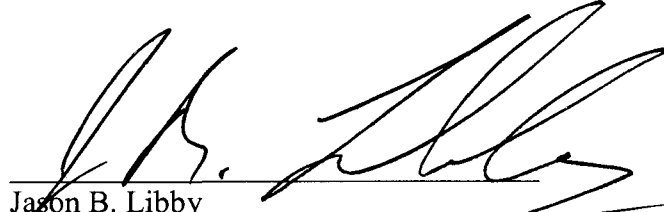
Record checks also revealed that both Esmeralda De La Rosa & Arriaga were arrested for transporting two (2) undocumented aliens on October 14, 2014 near Falfurrias, Texas. Both of them were not prosecuted at this time

The facts of this case were presented to Assistant United States Attorney Robert Thorpe who accepted Esmeralda De La Rosa for prosecution of 8 USC 1324, Alien Smuggling. Ricardo Cortez-Alvarez was held as material witnesses in this case. Marissa Arriaga was released due to a lack of incriminatory evidence against her.



George A. Torres
Border Patrol Agent

Sworn to before me, signed in my presence, and
probable cause found on this day, June 11, 2015


Jason B. Libby
United States Magistrate Judge